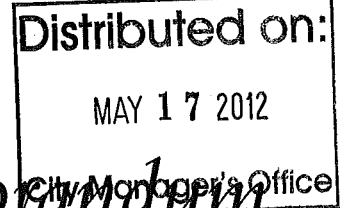


SENT TO COUNCIL:



## Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Leslye Corsiglia

**SUBJECT:** CITY RESPONSE TO  
HOMELESS ENCAMPMENTS

**DATE:** May 17, 2012

Approved

A handwritten signature in black ink, appearing to be "Leslye Corsiglia".

Date

5/17/12

### INFORMATION

In recent days, the concern about homeless encampments, particularly those along our water ways, has been elevated. A fire in an encampment along the Coyote Creek near Happy Hollow Park, a recent death of a transient near a Communications Hill Overpass, and resident complaints about growing encampments has heightened awareness of this concern.

This memorandum has been prepared to inform the Council of the City's response. Multiple City Departments have been working together to respond to these concerns as well as to develop a more comprehensive solution to the encampment situation.

#### Problem

There are three concerns with homeless encampments—the impact they have on neighborhoods and community residents; environmental issues along our waterways and parks as a result of garbage and waste; and the housing and support services needs of those living in the encampments.

Based on City staff observation and complaints received from the public, it is estimated that there are 60 homeless encampments in San José, with 40 of these along creeks, housing between 600-900 residents. Some of the encampments are small, with two or three people, while others are larger with 20 or more people. Some include tents and lean-tos, while others have more elaborately constructed structures and community space.

While we don't have empirical data, from reports and physical evidence it appears as though the number of homeless encampments is rising. There would be a number of potential causes for this rise, including the closure of the cold weather shelters (which are only open during the late fall and winter months), the loss of funding for outreach workers, cuts to social services as a result of reduced State and federal funding, rising rents and continued high unemployment, and the decision to temporarily halt clean ups pending a review of the City's procedures.

The land where the encampments lie is owned by multiple parties—some governmental and some private property owners. The Santa Clara Valley Water District, CalTrans, the Valley Transportation Authority, and other public entities have all been working to address the encampments located on their properties. Some encampments are located on City-owned land.

According to the most recent homeless census, which is held every other year, there are an estimated 4,037 people homeless in San José on any given night. While this number is lower than in previous homeless counts, the number of chronically homeless people—those who are unsheltered for more than a year and have one or more disabling conditions—has continued to rise as a percentage of the total number of homeless residents. It is estimated that one-third of the homeless population is chronically homeless. Chronically homeless people are more likely to be unsheltered.

### City Response

In the past, the City has worked with its partner agencies, including the Santa Clara Valley Water District, to clean up encampments, with small encampment clean ups taking place weekly, and a large encampment clean up conducted once a month. While these actions have temporarily resulted in cleaner water ways, they have not resolved the underlying issue. Without housing to offer those living in encampments, residents are still homeless. Based on past experience, displaced residents either move to another nearby encampment or return to the same location again after a few days or even hours. It is also notable that budget necessities over the past few years have reduced resources available to handle the coordination and implementation of cleanup activities and to provide outreach to the homeless.

Citing the encampment dwellers is possible, but is not always an effective option. In the event that the Police identify illegal activities, people can be arrested. Citations for trespassing or other minor violations, however, are not usually effective in moving people out of their encampment space. As such, the Police Department is best positioned to work collaboratively with community based organizations to address police related issues generated by the homeless population. Coupled with case workers, who can work with the residents to connect them with services and identify better living alternatives, this approach is more likely to lead to a longer-term solution.

It is important to note that there are legal constraints regarding what can be done to remove homeless encampments. Based on existing laws and recent Court decisions, local agencies cannot simply “clean up” homeless encampments and remove and destroy the personal possessions of homeless residents. Under both State law and the City’s Municipal Code, should the City remove personal possessions from an encampment, the City must inventory and store possessions for at least 90 days. Given the magnitude of encampments within the City, the costs and logistical needs to meet this responsibility can be significant.

Nevertheless, ignoring the encampments is not an option. As noted earlier, the encampments not only cause distress for our neighborhoods, but they result in harm to our environment. The following actions have been or are in the process of being taken to respond:

1. **Point Person--** Jo Zientek, Deputy Director for the Environmental Services Department, has taken on the responsibility for coordinating the staff effort and the many departments and external agencies involved.
2. **Coordination with Other Entities--** Staff has been meeting regularly with the Water District, and has reached out to the County of Santa Clara, VTA, and CalTrans to coordinate efforts, identify funding sources, and share best practices.
3. **Procedures--** Standard Operating Procedures have been developed for encampment clean ups and transporting and storing residents' belongings in a way that meets legal requirements.
3. **Space--** Limited storage space has been identified at the site of the former San José Family Shelter. Additional storage space is being researched.
4. **Budget Needs--** A Manager's Budget Addendum is being prepared to ensure sufficient funding is available for the first phase effort this summer, which will help inform future resourcing needs. Based on this experience, further budgetary needs will be brought forward for Council consideration in the fall. Costs for the encampment clean ups along waterways will be shared with the Water District consistent with past practice for these joint clean up efforts.
5. **Clean-Up Contractor--** Staff will come to the Council on May 22nd with a request to expand the contract with the Conservation Corps for encampment cleanups not located along a creek or riparian area.
6. **Best Practices--** Staff is working with other jurisdictions to learn about best practices for discouraging homeless encampments, including fencing, ground cover or plantings, and other effective tools.
7. **Homeless Outreach--** Community Development Block Grant (CDBG) and Emergency Shelter Grant (ESG) funding were set aside to fund a citywide outreach program beginning July 1<sup>st</sup>. Lead by EHC LifeBuilders and the Bill Wilson Center, this program will provide additional outreach workers, case management services, and housing location and assistance to build the rapport and trust with unsheltered homeless residents with the goal of moving them into and keeping them in permanent housing.
8. **St. James Park Pilot--** Federal HOME funding was approved to fund a pilot program to house 15 chronically homeless residents with substance abuse issues residing in and around St. James Park. The pilot program is being coordinated with the County, which is matching the City's housing funds with intensive case management services.
9. **Phase I Housing Funding--** Federal HOME funding was approved to provide 40 transitional housing opportunities for the Phase 1 encampment program. These funds will be utilized by encampment residents identified by outreach workers as interested in moving into housing and working with a case manager to identify long term sustainable housing. The HOME funds for housing will be partnered with other resources including those from the CDBG and ESG funded citywide outreach program to provide encampment residents

with the comprehensive array of services needed to foster their ability to obtain and maintain housing.

10. **Public Meetings**-- Staff attended a District 7 Townhall Meeting on April 25, 2012, to engage the residents in person. In addition, the Housing Department in coordination with Vice Mayor Nguyen's Office and other City departments, met with Communications Hill residents on Monday, May 14<sup>th</sup>. On May 17<sup>th</sup>, City staff will participate in a meeting of the Board of the Water District where the topic of homeless encampments will be discussed in detail.

#### Upcoming Actions

Clean ups will begin again this month, with the first clean up scheduled for the end of May. Two additional clean ups are now scheduled for June. Staff is evaluating a larger site for the last clean up to be completed by the end of July. Arrangements are currently being made to ensure there will be appropriate staffing and labor support for these cleanups, and that all departments and partners are in agreement with area to be cleaned up. The tentative schedule and locations are:

Date	Location	
By the end of May	Communications Hill	This encampment is on City property and consists of approximately 3-6 homeless residents.
June 14	Coyote Creek at Selma Olinder Park	This encampment is located on City property. The clean up will be conducted in partnership with the Water District. There are approximately 7-12 homeless residents.
June 21	Along the Guadalupe River in the GRPG from the Julian street bridge downstream to the railroad trestle. Julian Street	This encampment is located on City and District property. The clean up will be conducted in partnership with the Water District. There are approximately 10-15 homeless residents.

City and Water District have established guidelines for selection and prioritization of encampment clean ups along waterways. Based on the encampment reports, locations for encampment clean ups will be based on consideration of the following criteria:

- Site is on public property (City or Water District) within the boundaries of the City of San José
- Site has significant environmental impact

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- Site has received complaints from the public
- Site provides opportunity for proactive intervention;
- Site is an area that is highly visible or frequented by the public

### Conclusion

This is a complex problem with no easy solution. However, the City must have a response that, while understanding the needs of the homeless residents, responds to the concerns of our neighborhoods and the environmental damage to the environment resulting from the encampments. The clean ups, which will resume this month, will be managed in a manner that respects the rights of the homeless and the requirements of State and local laws.

/s/

Leslye Corsiglia,  
Director, Housing Department

For questions please contact Leslye Corsiglia, Director of Housing, at 408-535-3851.

